

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

VALERIE DAVIS SHAW,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No.: 4:17-cv-02351
	)	
ATLANTIC CREDIT & FINANCE, INC.,	)	
	)	
Defendant.	)	

**NOTICE OF REMOVAL OF DEFENDANT**

COMES NOW Defendant, Atlantic Credit & Finance, Inc., by and through counsel, and for its Notice of Removal, states as follows:

**THE REMOVED ACTION**

1. On or about July 24, 2017, Plaintiff Valerie Davis Shaw brought a civil action against Defendant in the Circuit Court of St. Louis County, State of Missouri. On August 2, 2017, Defendant was served with the Petition, which alleged violations of the Fair Debt Collection Practices Act, and of the Missouri Merchandising Practices Act ("MMPA").

**PAPERS FROM REMOVED ACTION**

2. Pursuant to 28 U.S.C. § 1446(a), Defendant has attached to this Notice of Removal, a copy of the State Court file for the removed case, including a copy of all process, summons, and pleadings served on Defendant as of the date of removal, marked **Exhibit "A"**.

**THE VENUE REQUIREMENT IS SATISFIED**

3. Venue of this removal is proper under 28 U.S.C. § 1441 (a) because this Court is the United States District Court for the district and division corresponding to the place where the State Court action is pending.

### **THE REMOVAL IS TIMELY**

4. Plaintiff's Petition was served upon Defendant on August 2, 2017. This Notice of Removal is filed within thirty (30) days of Defendant's receipt of Plaintiff's Petition, and is thus timely filed under 28 U.S.C. § 1446(b).

### **FEDERAL QUESTION**

5. According to Plaintiff's Petition, this is an action for alleged violations of the Fair Debt Collections Practices Act, 15 U.S.C. § 1692 et seq. ("FDCPA"), and MMPA.

6. Under the FDCPA, Section 1692k(d), this Court has original federal question subject matter jurisdiction of this action without regard to the amount in controversy. In addition, this action arises under the laws of the United States, namely the FDCPA. Thus, this Court has subject matter jurisdiction under 28 U.S.C. § 1331, and has supplemental jurisdiction over the Missouri state-law claim of MMPA under 28 U.S.C. §1367(a). Accordingly, this action may be removed to this Court, as provided by 28 U.S.C. § 1446(a)-(b).

### **FILING OF REMOVAL PAPERS**

7. Under 28 U.S.C. § 1446(d), written notice of the removal of this action has been given simultaneously to Plaintiff's counsel, and a Notice to Clerk of Removal has been simultaneously filed with the Circuit Court of St. Louis County, State of Missouri.

WHEREFORE, Defendant Atlantic Credit and Finance, Inc., does hereby remove the above captioned action from the Circuit Court of St. Louis County, State of Missouri, and request that further proceedings be conducted in this Court as provided by law.

Respectfully submitted,

FRANKEL, RUBIN, KLEIN, DUBIN,  
SIEGEL & PAYNE, P.C.

By: /S/ MAYER S. KLEIN

MAYER S. KLEIN, #32605

mklein@frankelrubin.com

Counsel for Defendant

231 South Bemiston Avenue, Suite 1111

Clayton, Missouri 63105

Telephone: (314) 725-8000

Facsimile: (314) 726-5837

**CERTIFICATE OF SERVICE**

The undersigned certifies that a true copy of the foregoing was sent via the Court's electronic filing system to all counsel of record this 1st day of September, 2017:

/S/ MAYER S. KLEIN

MAYER S. KLEIN